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8                   UNITED STATES DISTRICT COURT  
9                   WESTERN DISTRICT OF WASHINGTON  
10                  AT TACOMA

11 DAMION BROMFIELD,

12                  Plaintiff,

13                  v.

14 CHARLES MCBURNEY, *et al*,

15                  Defendants.

16                  CASE NO. C07-5226RBL-KLS

17                  ORDER

18                  The Court, having reviewed defendant's supplemental motion to dismiss/motion for summary  
19 judgment (Dkt. #57), the Report and Recommendation of United States Magistrate Judge Karen L.  
20 Strombom, objections to the Report and Recommendation, if any, and the remaining record, does hereby  
21 find and ORDER:

- 22                  (1) Antolin Andrew Marks' filing of objections purportedly on behalf of plaintiff were not  
23                  considered and will be **STRICKEN** [Dkt. #60]. Marks' Motion to File Amicus Brief [Dkt.  
24                  #61] is **DENIED**.
- 25                  (2) The Court adopts the Report and Recommendation;
- 26                  (3) Defendant's motion is **GRANTED**;
- 27                  (4) Plaintiff's complaint is hereby **DISMISSED** without prejudice;

1                     (5) The Clerk is directed to send copies of this Order to plaintiff, defendant's counsel and  
2                     Magistrate Judge Karen L. Strombom.

3                     DATED this 12<sup>th</sup> day of March, 2009.

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5                     RONALD B. LEIGHTON  
6                     UNITED STATES DISTRICT JUDGE

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